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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,741	11/20/2003	David G. Conroy	MSFT121951	8709
27195	7590	06/26/2009		
TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER KEEFER, MICHAEL E	
			ART UNIT 2454	PAPER NUMBER
			NOTIFICATION DATE 06/26/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/717,741	Applicant(s) CONROY ET AL.	
	Examiner MICHAEL E. KEEFER	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 31-56 is/are pending in the application.
- 4a) Of the above claim(s) 31-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, and 54-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/5/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed 6/5/2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cocotis et al. (US 2003/0079030), hereafter Cocotis in view of Angwin et al. (US 6477576), hereafter Angwin.

Regarding claim 1, Cocotis discloses:

A message device comprising:

at least one processor; a local buffer configured to communicate with an external buffer residing in an external message device; (see [0074] local source)
a message sender component configured to facilitate transmitting a first tag-based message to the external message device, the first tag-based message including a portion retained by the local buffer and a remaining portion of the first tag-based message, wherein the remaining portion and a reference to the portion retained by the local buffer are concurrently transmitted to the external message device; and (See at least Table 7, which discloses the concept of sending data by a reference. See also [0324] and Fig. 13)

Cocotis discloses all the limitations of claim 1 except for the device also containing:

a message receiver component configured to facilitate receiving a second a reception device that receives a customizable, tag-based message from the external message device, the second tag-based message includes a reference to a memory portion of the second tag-based message retained by the external buffer.

The general concept of a message receiver component that can receive a link to an external file is well known in the art as taught by Angwin. (See at least Col. 3, lines 30-31 where a link to a menu is transmitted to a device)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cocotis and Angwin in order to allow better service menus for Cocotis' message center.

Regarding claim 2, Cocotis discloses:

wherein each of the first and second tag-based messages include a body element for including containing data, the body element of the first tag-based message including the reference to the portion of the first tag-based message retained by the local buffer, the body element of the second tag-based message including the reference to the portion of the second tag-based message retained by the external buffer. ([0210] discloses using XML, which contains a body element that is used to send data)

Regarding claim 4, Cocotis discloses:

wherein each of the first and second tag-based messages include a header element for including containing control information. ([0210] discloses using XML, which contains has a header that contains information)

Regarding claim 5, Cocotis discloses:

wherein each of the first and second tag-based messages is sent via a customizable, tag-based protocol. ([0210] discloses using XML, which is a customizable tag-based protocol)

Claims 54-56 recite substantially the same limitations as claims 1-2 and 4-5, thus are rejected for similar reasons.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that the amended claim 1 no longer requires any data transmission as a result of receiving the references taking place.

Further, the Examiner notes that claim 1 would also read on a computer that was simultaneously serving web pages (sending out information with links to web pages stored on the server) and browsing web pages (receiving web pages with links to other web pages on the same server).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is

Art Unit: 2454

(571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 6/20/2009

/DUSTIN NGUYEN/
Primary Examiner, Art Unit 2454